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#14 1/

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
DEC 10 2003
TC 1700

Application No.: 09/871,324
Filing Date: May 31, 2001
Applicant: Wnek et al
Group Art Unit: 1725
Examiner: Jonathan Johnson
Title: ANTI-SLIDE SPLICE WELDER
Attorney Docket: 4348-000119/DVA

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
- OFFICE ACTION NOT RECEIVED

Sir:

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
 - (a) The Office Action indicated, as mailed on April 18, 2003 was not received.
 - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.
3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.
4. X As additional evidence of non-receipt of the Office Action, I also attach:
 Copies of records that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date.

2/04/2003 RHEBRAHT 00000099 09871324

1 FC:1460

130.00 OP

Adjustment date: 04/09/2004 SDIRETA1
2/04/2003 RHEBRAHT 00000099 09871324
1 FC:1460
-130.00 OP

Repin. Ref: 04/09/2004 SDIRETA1 0009164200
DAH:000750 Name/Number:09871324
FC: 9E04 \$130.00 CR



STATUS AND EASY
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAR 29 PM 4:57

Application No.: 09/871,324
Filing Date: May 31, 2001
Applicants: John Wnek, et al.
Group Art Unit: 1725
Examiner: Jonathan Johnson
Title: Anti-Slide Splice Welder
Attorney Docket: 4348-000119/DVA

OFFICE OF FINANCE, REFUND SECTION, ACCOUNTING DIVISION
Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Certificate of Mailing <i>I hereby certify that this correspondence is being deposited in the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted on the date below.</i>	
Typed or Printed Name: Stanley M. Erjavac	Express Mail Label No. EV 406 074 784 US
Signature <i>Stanley M. Erjavac</i>	Date: March 23, 2004

REQUEST FOR REFUND

Sir:

Applicants' Petition to Withdraw Holding of Abandonment – Office Action Not Received, filed December 1, 2003 in the above-identified application, was granted on March 1, 2004, part of Paper Number 16. The petition, when filed, was accompanied by \$130.00 petition fee. The Decision On Petition states that "a petition of

STATUS
BFV
2001 MAR 29
this type does not require a \$130.00 petition fee." A copy of the Decision On Petition is enclosed as requested. Therefore, please refund the \$130.00 petition fee by crediting our Deposit Account No. 08-0750. A duplicate copy of this transmittal letter is also enclosed herewith.

Respectfully submitted,
HARNESS, DICKEY & PIERCE, P.L.C.

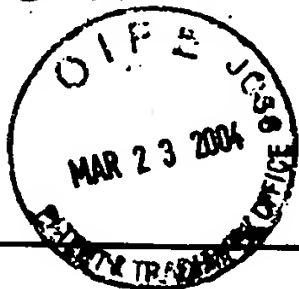
Dated: March 23, 2004

By: Stanley M. Erjavac
Stanley M. Erjavac
Reg. No. 38,442
Attorney for Applicants

P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

SME/ld

4348-000119/10A



MPB
SMC

STATUS AND ENTITY
BRANCH

UNITED STATES PATENT AND TRADEMARK OFFICE

2004 MAR 29 PM 4:57

Technology Center 1700

MAR 1 2004

Mailed: _____

rvk
Paper Number: 16

2004 MAR 29 PM 4:57

In re application of
John Wnek et al
Serial No. 09/871,324
Filed: May 31, 2001
For: SPLICE WELDER:

:
:
DECISION ON
PETITION
:

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED, filed December 01, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of November 04, 2003, for failure to timely file a proper response to the Office letter dated April 18, 2003 be withdrawn. The petitioner asserts that the Office letter of April 18, 2003 was not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of April 18, 2003 was not received by the petitioner. The evidence provided includes a statement by the petitioner that the Office letter of April 18, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of April 18, 2003 was not received. Also provided are: 1) copies of the Attorney Patent Docket for the due date of July 18, 2003, where the action due of 09/871,324 for the Office letter of April 18, 2003 would have been posted had it been timely received; 2) a copy of the statement under 37 C.F.R. 3.73(b) and Power of Attorney changing the correspondence address to Harness, Dickey & Pierce, P.L.C., which was filed with the USPTO on January 13, 2003 and 3) a copy of the returned stamped postcard dated January 21,



STATUS AND ENTITY
BRANCH

UNITED STATES PATENT AND TRADEMARK OFFICE

2004 MAR 29 PM 4: 57

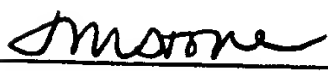
Technology Center 1700

2003. A review of the instant application file indicates that the applicants filed a Statement Under 37 CFR 3.73(b) and Power Of Attorney on January 21, 2003 (Paper No. 11) to request a change of the correspondence address, and the USPTO records have not been updated to include the current address of the attorney.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The instant petition was accompanied by \$130.00 as a petition fee. However, a petition of this type does not require a \$130.00 petition fee. Therefore, a refund of the \$130.00 may be obtained by directing a copy of this decision along with a written request for such a refund to the Office of Finance.

The Petition is **GRANTED**.


Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

HARNESE, DICKEY & PIERCE, P.L.C.
P.O.BOX 828
BLOOMFIELD HILLS, MI 48303



Docket No. F-8155

OFFICE OF FINANCE
REFUND BRANCH

Attention: Refund Section

2004 MAR 31

AM 10:46

Accounting Division
Office of Finance

STATES *Dep & Ref*
BRANCH
#307
2004 MAR 29 PM 4:57


US PATENT & TRADEMARK
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sun-Kyum KIM
Serial No. : 10/487,930
For : RACKET BEING IMPROVED ELASTIC AND
REPELLENT FORCE
Group Art Unit : Unknown
Examiner : Unknown
Confirmation No. : Unknown
Customer No. : 000028107

Certificate of Mailing Under 37 CFR 1.8

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COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450
on March 23, 2004.

C. Bruce Hamburg
(Name)


(Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CLAIM OF SMALL-ENTITY STATUS AND REQUEST FOR REFUND

Sir:

Small entity status is hereby asserted.

When filing this application, applicant paid a filing fee of \$1,424.00. In
accordance with the Notice in 1027 OG 115, it is respectfully requested that one-

Docket No. F-8155

STATUS AND ENTITY
BRANCH
Ser. No. 10/487,930
2004 MAR 29 PM 4:57

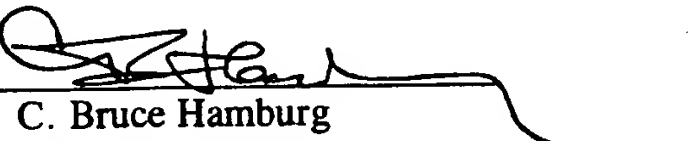
half of the filing fee, that is, \$712.00, be refunded by crediting Patent Office

Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By


C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

Jordan and Hamburg LLP
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New York, New York 10168
(212) 986-2340